

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

CHAD M. MCEVER,
SCOTT OPPENHEIMER, and
PEGGY O. OPPENHEIMER LIVING TRUST,
Plaintiffs,

v.

Case No.: 25-cv-508-jdp

TOWN OF SCOTT,
Defendant

LAST WILDERNESS ALLIANCE
Proposed Intervenor

DECLARATION OF RICHARD PHILLIPS

Pursuant to 28 U.S.C. § 1746, the undersigned declares that:

1. I am the current President of the Last Wilderness Alliance and have been a director of the Last Wilderness Alliance since its formation in mid-2021.
2. I have assisted many Towns, including the Town of Scott, in adopting Enhanced Wake Ordinances under Wis. Stats. § 30.77(3), and I am currently assisting other Towns considering adoption of Enhanced Wake Ordinances.
3. I was present and provided information at the September 23, 2024 Public Hearing prior to the adoption of the Town of Scott Enhanced Wake Ordinance.
4. Because of this suit, to my knowledge over a dozen towns have put a hold on considering Enhanced Wake Ordinances. The total number of such towns is likely higher.
5. The Last Wilderness Alliance supports a rapid resolution of this lawsuit so that the status of other existing ordinances and the rights of other Towns under Wis. Stats. §30.77(3) will be clarified.
6. Attached as Exhibit A is data from Wisconsin Department of Natural Resources PUB-FH-800 (2009) showing the characteristics of Birch Island Lake referred to in Plaintiffs' complaint and a county summary of Wisconsin lakes. Note that per the DNR, the average depth of Birch Island Lake is 6 feet and the deepest point is 13 feet.
7. Attached as Exhibit B is a map showing the location of the 57 Towns (including the Town of Scott) where Enhanced Wake ordinances have been adopted.
8. Attached as Exhibit C is the official DNR map of Birch Island Lake. Note that it has five small areas 10 feet or more deep, with a deepest area of about 2 acres extending to 13 feet deep. All the remainder of the lake is less than 10' deep.

I declare under penalty of perjury that the foregoing
is true and correct. Executed on JULY 12, 2025

 (Signature)